



2013
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK	✓			
HAYES		✓		
RIQUELME	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	5	1		

Ordinance No. 1455 (Revised)
Date: September 17, 2013
Page: 1 of 3
Subject: Shade Tree Permits
Purpose: Amend Chapter 344
Dollar Amount: _____

Offered by: Stylianou
Seconded by: Brophy

Prepared By: Gregg Paster, Esq.

Certified as a true copy of an Ordinance Adopted on 2nd Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AMENDING CHAPTER 344 SHADE TREES OF THE BOROUGH OF DUMONT CODE

WHEREAS, it is the express purpose of this ordinance to regulate the nature and extent of the removal of trees that may be Borough Trees as otherwise provided under this Chapter, and to ensure that trees removed by private citizens are not Borough Trees as defined herein; and

WHEREAS, it has been requested by the Dumont Shade Tree Commission that Chapter 344 of the Borough of Dumont Code be amended to require that a permit be obtained prior to the removal of any tree within the Borough to ensure that such tree is not a Borough Tree, removed inadvertently or through the inattention or negligence of third parties.

BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Dumont, in the County of Bergen and State of New Jersey, that Chapter 344 SHADE TREES, Article VII, Section 24 of the Borough of Dumont Code shall be amended as hereinafter provided:

Article VII. Tree Permits; Permit Revocation
Section 24. Tree Permit

A. The tree permit process shall be administered through the Department of Buildings, and shall include review and approval by the DSTC or a duly appointed subcommittee thereof prior to issuance of such permit. Prior to issuance of a tree removal permit, the administering authority shall collect the applicable fee of \$25.00 and review the Borough tax maps for certification that the tree intended for removal is not a Borough Tree. Said tree shall be marked, in advance of the application submission, with a ribbon or tape around the base of the tree at 4.5 feet from the root base of the tree, so as to readily identify the tree as intended for removal. The review process shall be conducted within 5 business days, Saturdays, Sundays and State recognized holidays excluded, from the date of submission, the date of submission not included. Following the review a permit can be issued if the designated tree is determined to be on private property and not a Borough tree as defined in the Dumont Shade Tree Ordinance #1358. In the event a permit or denial is not issued by the close of Borough business on the fifth business day following submission, then the applicant may proceed with the removal as if a permit had been duly issued.

B. A tree permit is required per occurrence in the event that a property owner, or its contractor, employee, servant or agent, intends to conduct any of the following types of work at any private location within the Borough: to remove a tree of equal to or greater than six inches (6") in caliper or equal or greater than ten feet (10') in height at any location within the Borough.

The balance of the section shall remain undisturbed.

Invalidity. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.


Severability. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

BOROUGH OF DUMONT


James J. Kelly, Mayor

ATTEST:


Susan Connelly, RMC
Municipal Clerk

Introduced: August 20, 2013
Adopted: September 17, 2013



2013
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK	✓			
HAYES	✓			
RIQUELME	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	6			

Ordinance No. 1465

Date: September 17, 2013

Page: 1 of 7

Subject: Library Window and Exterior Restoration Bond

Purpose: Approval

Dollar Amount: \$185,000

Prepared By: Lisa Gorab, Esq.

Offered by: Hayes
Seconded by: Riquelme

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

BOND ORDINANCE PROVIDING FOR THE WINDOW AND EXTERIOR RESTORATION (PHASE 2) OF DIXON HOMESTEAD LIBRARY, BY AND IN THE BOROUGH OF DUMONT, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY; APPROPRIATING \$185,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$176,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUMONT, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Borough of Dumont, in the County of Bergen, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$185,000, said sum being inclusive of a grant in the amount of \$87,400 to be received from the Historic Preservation Trust Fund (the "Historic Preservation Trust Fund Grant") and a down payment in the amount of \$9,000 now available for said improvement or purpose as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law") and now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$185,000 appropriation not provided for by the down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$176,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$176,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the window and exterior restoration (phase 2) of the Dixon Homestead Library, including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said purposes is \$176,000.

(c) The estimated cost of said improvement or purpose is \$185,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of \$176,000, is the aggregate down payment for said purposes in the amount of \$9,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Bergen make a contribution or grant in aid to the Borough for the improvement and purpose authorized herein and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Bergen. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Bergen shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Borough may lawfully undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$176,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough

shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.


SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$176,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All

reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: September 17, 2013**



SUSAN CONNELLY, RMC
Clerk of the Borough of Dumont

**ADOPTED ON SECOND READING
DATED: _____, 2013**

SUSAN CONNELLY, RMC
Clerk of the Borough of Dumont

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2013.

JAMES J. KELLY, Mayor